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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BASS, JON M

ART UNIT PAPER NUMBER

3639

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/904,471	Applicant(s) DEWITT ET AL.	
	Examiner Jon Bass	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-13 and 17-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,5,8-13, 17-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This is in response to an amendment filed on May 31, 2005, for patent letter filed on July 13, 2001. In the amendment, claims 1, 3-5, 8-13, and 17-49 are pending in this application. Claims 2, 6, 7, 14-16 have been canceled. The applicant has amended claims 1, 4, 9, 10, 11 and 13.

Response to Arguments

2. Applicant's arguments filed on May 31, 2005 have been fully considered but they are not persuasive.
3. Note that Examiner has agreed to withdrawal the following rejections due to the applicant's amendments/ responses. The Examiner has withdrawn the pending 35 U.S.C 101 rejection and the pending 35 U.S.C 112 rejection, in addition to the Drawings objections.
4. Applicant argues that the prior art, Sansone et al (5,008,287), Sansone et al (5,925,864), Kolosch (2,689,082) and Uno et al (5,535,127) fails to teach the inventive concept of "scanning and weighting mail piece and making sort decision based on determined address information and weight information". The Examiner respectfully disagrees with the applicants characterization of the prior art's inventive concept. To reiterate the point made by Samone et al (5,008,827) discloses A) a conveyor system for transporting the items of mail through the mail processing system, B) a scale 88 for weight the item of mail as the mail conveyed through the mail processing system, and C) a scanner 84, for scanning the information on an item,

that is address information, as the mail is conveyed through the mail processing system. With these important factors mentioned by Sansone, this clearly relates to a system having a “scanning and weighting mail piece”. For all the reasons listed in the Office Action dated January 27, 2005 and the reasons stated above the rejections remain.

5. The Examiner would like to cite a new reference by Thomas Wells et al (6,510,992) that teaches a method and system that deals with address information and a sorter for sorting mail pieces.
6. In regard to claims 1, 4, and 13. The applicant introduced “...of mail in response to the determined address information and weight of the piece of mail” The Examiner introduces a reference by Wells et al (6,510,992) that teaches determined address information in {column 3, lines 30-58}, the inventions involves a mail piece weighing system that has a address information determiner. In addition, the system captures all address information and postage indicia on mail item.
7. The applicant introduced “... a sorter for sorting mail pieces in response to the determined address information and weight”. The Examiner introduces a reference by Wells et al (6,510,992) that teaches in the abstract that a finished mail piece or a sorter which conveys finished mail piece with the address and postage indicia visible. In figure 4a schematic is shown of a mail piece sorter with an in line image. Wells further discusses in column 6 lines 56-60), that this invention may also be utilized in a mail piece sortation system.

8. The applicant is reminded that the Examiner is available to answer any questions
Monday- Friday, 9-6pm.

9. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the differences between
the subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter **developed** by another person, which qualifies as prior art only
under subsection (f) or (g) of section 102 of this title, shall not preclude patentability
under this section where the subject matter and the claimed invention were, at the time
the invention was made, owned by the same person or subject to an obligation of
assignment to the same person.

10. Claims 1, 8, 10, 11, 13, 17-18, 29-37 & 39-49 are rejected under 35 U.S.C. § 103(a)
as being unpatentable over Sansone et al (5,008,827) in view of Sansone et al
(5,925,864) as evidenced and interpreted in view of Webster's Ninth New Collegiate
Dictionary, Kolisch (2,689,082) and Uno et al (5,535,127) and Wells et al
(6,510,992).

11. In regard to claims 1, 8, 10, 11, 13, 17-18, 29-37 & 39-49, Sansone et al ('827)
discloses a mail processing system that includes the following elements:

A) a conveyor system for transporting the items of mail through the mail processing system (note mail path 78);

B) a scale 88 for weight the item of mail as the mail is conveyed through the mail processing system;

C) a scanner 84, for scanning the preprinted information on an item of mail, that is address information, as the mail is conveyed through the mail processing system;

D) a labeler/printer 92, for applying information to the items of mail as the mail is conveyed through the mail processing system;

E) a processor 60 which controls the operation of the system and determines the correct amount of postage for the item of mail based on the destination address and weight as well as post office discount requirements; and

F) a postage meter 90 for applying the correct amount of postage to the item of mail as the mail is conveyed through the mail processing system.

12. In regard to the claimed use of, labels, Sansone et al ('827) disclose printing the information on a label which is then applied to the item of mail, however, as clearly taught by Sansone et al ('864) the labeler/printer of the mail processing system may apply the information to the items of mail by printing the information either:

A) directly to the item of mail, or

B) directly on a label that is applied to the item of mail,

as the mail is conveyed through the mail processing system. Hence, from the teachings of Sansone et al ('864) the printing of the information by either method of:

A) directly to the item of mail, or

B) directly on a label that is applied to the item of mail,

is functionally equivalent to the other method of applying information to items of mail.

Therefore, it would have been obvious to one of ordinary skill at the time the

invention was made that the mail processing systems of Sansone et al ('827) could be modified to apply information to a label that will be applied to an item mail as taught by Sansone et al ('864). Further, this combination would be within the level of ordinary skill at the time of the invention, since one of ordinary skill at the time of the invention was made would have readily recognized that either method of applying information to an item of mail as taught by Sansone et al ('864) or the certification of Sansone et al ('827) as labeling because as defined in Webster's Ninth New Collegiate Dictionary (Merriam-Webster Inc., Publishers Springfield, Massachusetts ©1986) the act of labeling includes "3 ... b: written or printed matter accompanying an article to furnish identification or other information".

13. In regard to using the scanned information and weight to determine the correct postage amount, it is noted that as taught by Kolisch ('082) in 1954 the amount of postage required for an item of mail is based on at least the weight and destination with respect to the origin of the item of mail. Hence, in view of the information required for determining the correct amount of postage as understood by one of ordinary skill at the time the invention was made as evidenced by Kolisch ('082), it would have been obvious to one of ordinary skill at the time the invention was made that the mail processing systems of Sansone et al ('827) as modified by Sansone et al ('864) would consider both the weight and destination of an item of mail relative to the origin of the mail when determining the correct amount of postage for the item of mail.

14. In regard to claims 3-5, 12, 34-36 & 41, Sansone et al ('827) does not describe in detail the operation of ocr device 84, however as taught by Uno et al ('127) in 1996, an ocr scanner would build an image of a moving object by combining a number of individual scans of the object to build an image of the object and then processes the image to identify the information contained in the image. Since the

ocr device of Sansone et al ('827) as modified by Sansone et al ('864) is required to obtain and process an image of a moving item as does the image processing device of Uno et al (127), it would have been obvious to one of ordinary skill at the time the invention was made that the mail processing systems of Sansone et al ('827) as modified by Sansone et al ('864) use ocr device 84 to obtain an image of the item of mail and hence the address information as taught by Uno et al ('127).

15. In regard to the sorting function of claims 5, 8 & 36-37, note that some of the processed mail may be rejected for any number of reasons while the remaining items of processed mail would be sent to the Postal system for delivery processing by the Postal system.

16. Claims 9 & 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sansone et al (5,008,827) in view of Sansone et al (5,925,864) as evidenced and interpreted in view of Webster's Ninth New Collegiate Dictionary, Kolosch (2,689,082) and Uno et al (5,535,127) as applied above to claims 1, 2, 6-8, 10, 11, 13-18, 29-37 & 39-49 and further in view of York et al (5,926,392).

17. In regard to claims 9 & 38, the combination of Sansone et al ('827) as modified by Sansone et al ('864) does not disclose re-orientating the item of mail during the processing, however, York et al ('392) discloses that in mail processing systems it is sometimes necessary to re-orientate item of mail so that the item of mail may be processed by the mail processing system. Hence, it would have been obvious to one of ordinary skill at the time the invention was made that the mail processing systems of either Connell et al ('228 or '124) or Sansone et al ('827) or Metelits et al ('306) or

Uno et al ('127) or Gil et al ('514) could be modified to include the use of an re-orientation means so that the items of mail may be properly processed as taught by York et al ('392).

18. In regard to claim 1, 4 and 13, the combination of Sansone (827) and Sansone, Kolosch (082), and Uno (127) in conjunction with Wells (992) emulates an invention that deals with processing mail through a conveyor path while weighting the item and determining the address information in addition to having a sorter that sorts the mail pieces. Wells discloses:

A) Address information and postage value indicia visible on a face of each mail piece {abstract}

B) Verification of address information and postage value indicia on the finished mail piece {abstract}.

C) Includes a finished mail piece or a sorter, which conveys finished mail pieces.

D) Figure 4, deals with the mail piece sorter

E) Weighing system and interface allows the module to gather information about each mail piece, (col.4, lines 9-26).

It would have been obvious to combine Sansone (827) and Sansone, Kolosch (082), and Uno (127) in conjunction with Wells (992) emulates an invention that deals with processing mail through a conveyor path while weighting the item and determining the address information in addition to having a sorter that sorts the mail pieces.

Further Response to Amendments

19. The rejection, 35 U.S.C. 103 (a), set forth in the last Office Action remain due to:

(a) Applicant did not overcome the 35 U.S.C. 103 (a) rejections.

(b) The Applicant added an address determiner and a sorter for the mail pieces. The Examiner introduced a new reference by Thomas Wells that directly relates to determining address information and a sorter for sorting mail pieces.

(c) In regard to the weighing the mail piece, Sansone (827) describes having a scale that is fully functional of weighing pieces of mail.

(d) in regard to the address information, Sansone (827) teaches that a scanner is capable of scanning the preprinted information on an item of mail. This suggests that any information scanned can be used to determine the address information.

(e) in regard to the processor, Sansone (827) address the matter of having a processor which controls the operation of the system and determine the correct postage.


Therefore the applicants arguments are non persuasive

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. action.

In the


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

